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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/564,736	01/19/2006	Michael Weiler	081276-1079-00	5178		
23409	7590	08/18/2009	EXAMINER			
MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202				GRAHAM, GARY K		
ART UNIT		PAPER NUMBER				
3727						
MAIL DATE		DELIVERY MODE				
08/18/2009		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/564,736	WEILER ET AL.	
	Examiner	Art Unit	
	Gary K. Graham	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060119 & 20080205</u> . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevens (US patent 4,864,678).

The patent to Stevens discloses the invention as is claimed, including a one piece wiper arm (1) having a rod (indicated at 11) for fixing a wiper blade (4), a fixing element (6) connected to the rod free of articulation for joining the arm to shaft (8) and a partial zone (13,14) forming hole (15) having spring elasticity for toggling the arm between two orientations. The wiper arm can shift between an operating configuration (solid lines in fig. 1) and a first stable configuration (dashed line fig.1) wherein the blade can be mounted or dismounted. The partial zone forms curved formations (see fig.3) with convex sides that point in first and second directions depending on the configuration.

With respect to claims 2 and 3, although not discussed by Stevens, it appears the wiper arm will have two stable configurations in like manner to applicant's arm when demounted from the drive shaft (8).

With respect to claims 7 and 13-15, while not discussed by Stevens, it appears that at least one section of the partial zone will be under some initial tension as it is formed and functions in a similar manner to applicants and since such section supports the weight of the rod and the blade away from the windshield in the stable configuration. Such would appear to provide at least some initial tension.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiler (German patent 10052616).

The patent to Weiler discloses the invention as is claimed (note Weiler disclosed two embodiments that cover the claims), including a one piece wiper arm (20, 30, figs 4-11) having a rod (29,39) for fixing a wiper blade, a fixing element (area near 27,37) connected to the rod free of articulation for joining the arm to a shaft (as is conventional) and a partial zone (28,38), embodiment of figure 4-8 forming a hole, having spring elasticity for toggling the arm between two orientations. The wiper arm can shift between an operating configuration (fig.7,10) and a first stable configuration (fig.8,11) wherein a blade can be mounted or dismounted and a second stable configuration (fig.6). The partial zone forms curved formations (see figs.6,8,10,11) with convex sides that point in first and second directions depending on the configuration.

With respect to claims 2 and 3, it appears the wiper arm will have two stable configurations as shown in figures 6 and 8.

With respect to claims 7 and 13-15, it appears that at least one section of the partial zone will be under some initial tension as it is moved from a free position (fig.4) to an assembled position (fig.5). Also, the arm is formed and functions in a similar manner to applicants and since such section supports the weight of the rod and the blade away from the windshield in the stable configuration. Such would appear to provide at least some initial tension.

With respect to claims 8-9 and 16-21, note limit stop (33, figs.10-11) attached to the fixing element via portion (34) which can initiate a force via portion (35) to an area (32) of the partial zone during shifting between configurations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/
Primary Examiner, Art Unit 3727

GKG
17 August 2009